

Michigan Public Service Commission Comments
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There are local exchange service providers in operation utilizing Ameritech's resale tariff.¹¹⁰ Additionally, there are providers offering local exchange service through the resale of Ameritech's retail Centrex.

The providers operating (without an interconnection agreement) through purchase of Ameritech services from the resale tariff have directory listings included as a tariffed offering. Those reselling Centrex would be governed by the Michigan retail Centrex tariff. Directory listings related to Centrex services are tariffed.¹¹¹

AT&T contends that Ameritech has experienced various problems related to Ameritech's OSS database and lack of electronic access to white pages related databases. These issues are related to Ameritech's OSS and are discussed above in Section III., B. of these comments.

It appears that Ameritech meets this checklist item.

I. Checklist Item (ix)

Until the date by which telecommunications numbering administration guidelines, plan, or rules are established, nondiscriminatory access to telephone numbers for assignment to the other carrier's telephone exchange service customers. After that date, compliance with such guidelines, plan, or rules.

The MPSC's discussion on telephone numbers¹¹² remains the same with two exceptions. Ameritech, through February 1997, has assigned 141 NXXs to competing

¹¹⁰M.P.S.C. Tariff 20R, Part 22, Sec. 12 and M.P.S.C. Tariff 20R, Part 12, Sec. 1.

¹¹¹M.P.S.C. No. 20R, Part 22, Sec.5 and M.P.S.C. No. 20R, Part 5, Sec. 2.

¹¹²Attachment 1, pp. 45-47.

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carriers.¹¹³

Ameritech indicated that it has sufficient central office codes in each area code to meet the demand of all LECs and Commercial Mobile Radio Service providers (CMRS) in the area.¹¹⁴ As previously pointed out, the FCC rules require every authorized provider of local telephone service, exchange service or paging service to have at least one NXX in an existing area code. Ameritech has responded to requests for numbers in each area code and has the capability to meet the demand when asked by known providers.¹¹⁵

It therefore continues to appear Ameritech has met this checklist item.

J. Checklist Item (x)

Nondiscriminatory access to databases and associated signaling necessary for call routing and completion.

Ameritech asserts that it is furnishing access to its signaling and call-related databases to Brooks, MFS, and TCG.¹¹⁶ It has clarified in comments to the MPSC that TCG's access to Ameritech's signaling networks and call related databases is provided through Illuminet, an SS7 hub provider. Ameritech also represents that TCG's access to Ameritech's line

¹¹³Ameritech's March 27, 1997 Submission of Additional Information in MPSC Case No. U-11104, pp. 21-22.

¹¹⁴Ameritech's March 27, 1997 Submission of Additional Information in MPSC Case No. U-11104, p. 21.

¹¹⁵Ameritech's March 27, 1997 Submission of Additional Information in MPSC Case No. U-11104, p. 20.

¹¹⁶Ameritech's Brief in Support of Application, p. 50.

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information database (LIDB) is provided via a DOD trunk to Ameritech's Southfield central office utilized in the provisioning of operator services.¹¹⁷ In other respects, the MPSC's February 5, 1997 Comments on this issue remain unchanged.¹¹⁸ Ameritech appears to comply with this checklist item.

K. Checklist Item (xi)

Until the date by which the Commission issues regulations pursuant to section 251 to require number portability, interim telecommunications number portability through remote call forwarding, direct inward dialing trunks, or other comparable arrangements, with as little impairment of functioning, quality, reliability, and convenience as possible. After that date, full compliance with such regulations.

Interim number portability (INP) continues to be available via remote call forwarding and direct inward dialing. INP is available via interconnection agreement or Ameritech's Michigan tariffs. As of April 30, 1997, Ameritech represents over 24,000 numbers have been ported in Michigan.¹¹⁹

AT&T continues to argue Ameritech cannot satisfy this checklist item until route indexing is offered to provide INP.¹²⁰ AT&T's interconnection agreement with Ameritech

¹¹⁷Ameritech's March 27, 1997 Submission of Additional Information in MPSC Case No. U-11104, pp. 23-24.

¹¹⁸Attachment 1, pp. 47-49.

¹¹⁹Ameritech Brief in Support of Application, p. 52.

¹²⁰AT&T's May 7, 1997 Comments in Case No. U-11104, Evans Supplemental Testimony, pp 2-7.

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provides for the offering of other methods for INP, which could include route indexing.¹²¹

AT&T has appealed this interconnection agreement to the federal courts. INP via route indexing is one of the contested issues.

The MTA requires long-term or true number portability by January 1, 1999 unless the MPSC determines it is economically feasible to provide it prior to that date. The MPSC has so ordered. Implementation of true or long-term number portability in Michigan is to take place when implementation in Illinois takes place.

A Michigan Local Number Portability Workshop was held to coordinate this implementation of true or long-term number portability in Michigan. The February 28, 1997 report from the workshop is included as Attachment 8. The implementation in Michigan remains as previously discussed.¹²²

<u>MSA</u>	<u>TIME FRAME</u>
Detroit	1/98 - 3/98
Grand Rapids	7/98 - 9/98
Ann Arbor	10/98 - 12/98
All others	Bona Fide Request

It appears Ameritech complies with check list item (xi).

¹²¹Interconnection Agreement between Ameritech and AT&T approved in Case No. U-11151 and U-11152, Section 13.10 (p.57).

¹²²Attachment 1, p. 51.

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L. Checklist Item (xii)

Nondiscriminatory access to such services or information as are necessary to allow the requesting carrier to implement local dialing parity in accordance with the requirements of section 251(b)(3).

As previously noted, the FCC has determined local dialing parity includes interconnection, number portability and nondiscriminatory access to telephone numbers.¹²³ In Michigan, interconnection is taking place via several interconnection agreements, e.g., AT&T, Brooks, MFS, and TCG. AT&T's interconnection agreement provides for interconnection on a facilities basis, but at this time AT&T is only providing service via resale of Ameritech's bundled residential service. The interconnection aspect of this checklist requirement is met by the apparent satisfaction of the interconnection requirements in checklist item (i).

Number portability is being provided on an interim basis, consistent with Ameritech's apparent compliance with checklist item (xi).

Nondiscriminatory access to telephone numbers in Michigan predates the Act. This requirement was established pursuant to MPSC action in Case No. U-10647. Interconnection agreements with Brooks, TCG, and MFS also provide for access to telephone numbers.

Utilization or consumption of telephone numbers is evidenced by the need to split the 313 and 810 area codes. The splits were necessitated by the entry of competing providers, who are assigned blocks of numbers, and growth in demand for numbers by existing customers. Implementation dates for the new area codes are:

¹²³ Attachment 1, p. 52.

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Area Code

Implementation Date

248

May 10, 1997, permissive dialing
September 13, 1997, mandatory dialing

734

December 13, 1997, permissive dialing
July 25, 1998, mandatory dialing

Based on the MPSC's action in Case No. U-10647 and the Brooks, TCG and MFS interconnection agreements, providers are experiencing local dialing parity consistent with the Act. It appears Ameritech complies with this checklist item.

M. Checklist Item (xiii)

Reciprocal compensation arrangements in accordance with the requirements of section 252(d)(2).

The interconnection agreements of Brooks and MFS provide for reciprocal compensation at rates negotiated by the parties to those agreements. The interconnection agreement of TCG contains arbitrated rates for reciprocal compensation and therefore these rates comply with the requirements of Section 252(d)(2) of the Act and the MTA. Likewise, the reciprocal compensation rates contained in AT&T's interconnection agreement were determined through arbitration and are available to other providers invoking their MFN clauses. Ameritech asserts that it is presently exchanging local traffic subject to reciprocal compensation with Brooks, MFS, and TCG.¹²⁴

¹²⁴Ameritech's Brief in Support of Application, p. 53.

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According to a March 7, 1997 filing by Brooks, it believes that Ameritech has not complied with this checklist item because "for certain types of cellular and paging calls, classified as 'Type 2', Brooks is not recovering its costs for transport and termination as required by 252(d)(2) in a mutual and reciprocal fashion with Ameritech."¹²⁵ Brooks believes that compensation paid for cellular and paging calls is not, but should be, the same for competing and non-competing local exchange carriers alike. Ameritech responds that "the situation described by Brooks involves traffic which originates on a wireless (e.g., cellular or paging) provider's network, which simply transits Ameritech Michigan's network and is ultimately terminated on Brooks's network."¹²⁶ Additionally, on April 23, 1997, Brooks filed a complaint with the MPSC against Ameritech regarding this matter.¹²⁷ This was not an issue raised in arbitration under any interconnection agreement filed with the MPSC. Brooks in fact states in its complaint that it was agreed that matters regarding cellular and paging traffic would not be included in any of the agreement's compensation terms, and would be covered in separate negotiations. Its complaint was filed under the provisions of the MTA and not as a matter to be arbitrated under the Act. At this time, the MPSC has not and cannot determine (since the matter is pending before it) whether the matters at issue relate to compliance with

¹²⁵Brooks' March 7, 1997 Motion for Reconsideration in MPSC Case No. U-11104, p. 18.

¹²⁶Ameritech's March 28, Answer to Brooks' Motion in MPSC Case No. U-11104, p. 20.

¹²⁷This complaint has been docketed as Case No. U-11370 and is not scheduled to be completed until November, 1997.

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this checklist item. On the basis of information received by the MPSC to date and the provision of reciprocal compensation services to Brooks, MFS, and TCG at the present time, the MPSC continues to believe Ameritech complies with this checklist item.

N. Checklist Item (xiv)

Telecommunications services are available for resale in accordance with the requirements of sections 251(c)(4) and 252(d)(3).

Ameritech has relied upon the interconnection agreements of MFS, TCG and Brooks for satisfaction of its checklist requirements under the Act. Of these three, Ameritech presently provides resale services in Michigan only to MFS pursuant to its interconnection agreement. Additionally, however, Ameritech represents that it is also providing resale services to AT&T and USN, presumably pursuant to their approved interconnection agreements. As of April 30, 1997, Ameritech represents that MFS, USN and AT&T "had ordered or were using over 8,200 non-Centrex resale lines. When Centrex lines are included, there were nearly 18,000 resold lines ordered or in-service as of April 30, 1997."¹²⁸

The rates, terms and conditions regarding resale in the MFS interconnection agreement were negotiated, as were those in the USN interconnection agreement. The resale rates established in the AT&T agreement were arbitrated by the MPSC and found to comply with the requirements of Section 252(d)(3) of the Act as well as the requirements of the MTA. Although the resale discount was established during the arbitration of the AT&T

¹²⁸Ameritech's Application, Affidavit of Theodore A. Edwards, p. 80.

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interconnection agreement, this agreement specifically references Ameritech's retail tariffs for the services to which the discount applies.

The establishment of a Michigan resale tariff to which AT&T can make reference in its interconnection agreement has been somewhat problematic but it is, with a few exceptions, complete at this time. A large part of the problem has arisen from the fact that, as was discussed in the MPSC's February 5, 1997 Comments on the issue of resale,¹²⁹ many services that must be resold under the Act are not regulated under Michigan law. As a result of this, no retail tariff for many services exists in Michigan to which a resale discount could be applied. Therefore, Ameritech's resale tariff in Michigan exists in two pieces: a resale tariff for services regulated under Michigan law and a resale tariff for services unregulated under Michigan law. These tariffs were accepted for filing on March 27, 1997 and March 12, 1997 respectively. The services that Ameritech believes it must resell under the definitions of the Act were not subject to a contested case proceeding in Michigan nor, for the most part, were they at issue in arbitration proceedings. In regard to a small number of retail services regulated under the MTA, agreement does not exist yet between Ameritech and the MPSC Staff regarding the definition of the contract and other customer-specific offerings,¹³⁰ which

¹²⁹ Attachment 1, pp. 55-57..

¹³⁰ Services included in this category are, for example, the Centrex service of Detroit Metropolitan Airport and emergency and group alerting services sold to various municipalities in Michigan.

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are subject to resale obligations under the Orders and Rules of the FCC.¹³¹ There may also be such services excluded from the resale tariff of services unregulated under Michigan law but, because the retail tariff for unregulated services is not filed with the MPSC, a comparison between the unregulated retail and resale tariffs has not and cannot occur. Other interpretations regarding services that must be resold under the Act may also arise. It is the belief of the MPSC, however, that a competitor may raise the issue of services that must be offered in Ameritech's resale tariff and the MPSC or the FCC may address these issues in an appropriate forum.

The MPSC continues to believe that Ameritech complies with this checklist item.

IV. IntraLATA Toll Dialing Parity Plan

In its previous comments, the MPSC noted the intraLATA toll dialing parity plan of Ameritech, and its actions, appeared to satisfy the requirements of Sec. 271(e)(2)(A). The Commission also noted that Ameritech's compliance with MPSC orders related to intraLATA dialing parity was a matter currently before the Michigan courts.¹³²

An update to the chronology contained in the MPSC comments follows:

15. On March 24, 1997, MCI and AT&T filed a joint motion in the Michigan Court of Appeals Docket No. 198706 for confirmation that implementation of dialing parity from and after July 1, 1997 is not affected by that Court's stay. A motion for immediate consideration was also filed. (Note that on the same date, MCI and AT&T

¹³¹FCC's August 8, 1996 First Report and Order in CC Docket 96-98, ¶948.

¹³²Attachment 1, 61.

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filed their joint motion with the MPSC to compel dialing parity as of July 1, 1997. This motion was dated March 19, 1997.)

16. On April 1, 1997, Ameritech filed its brief in opposition to the motion for confirmation in the Michigan Court of Appeals.
17. On April 10, 1997, the Michigan Court of Appeals issued an order granting the motion for immediate consideration and denying the motion to confirm.
18. On May 23, 1997, MCI and AT&T filed a joint supplemental authority in the Michigan Court of Appeals, Docket No. 198706. This is the appeal on the merits of Ameritech's claim that the MPSC's June 26, 1996 and October 7, 1996 orders violated the MTA and the Federal Telecommunications Act. (MCI and AT&T made a joint filing in the Commission on the same date.)

As can be seen from this chronology, as of May 23, 1997, the issue of intraLATA dialing parity remains an issue before the Michigan courts.

Ameritech has also begun a process in Michigan of exiting certain portions of the intraLATA toll market. These actions may play a role in the implementation of its intraLATA toll dialing plan and certain interconnection agreements. It should be noted that the three actions that will be described are currently pending before the MPSC, so these comments will only be in the nature of background information. The comments should in no way be construed as the MPSC rendering any decision related to these specific ongoing cases.

On March 10, 1997, Climax Telephone Company filed for arbitration of its interconnection agreement with Ameritech.¹³³ One of the issues to be arbitrated was Ameritech's refusal to provide intraLATA toll services to Climax customers in Climax's

¹³³MPSC Case No. U-11340.

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Metro exchange. On May 21, 1997, the arbitration panel determined the MPSC was empowered to order Ameritech to continue the provision of intraLATA toll services to Climax customers residing in the Metro exchange. The panel recommended the Commission so order. The matter remains pending before the MPSC.

On March 21, 1997, Brooks filed a complaint against Ameritech with the MPSC claiming Ameritech was involved in anticompetitive activities.¹³⁴ These alleged activities included the discontinuance of intraLATA toll service to customers in Brooks' service territory who elected to change local service providers from Ameritech to Brooks. This matter is currently in process before the MPSC.

On April 18, 1997, pursuant to the MTA, Ameritech filed a notice of discontinuance of intraLATA toll service in the exchanges of Frontier Communications of Michigan.¹³⁵ August 1, 1997 is the proposed effective date of the discontinuance. On May 20, 1997, the MPSC Staff requested the MPSC to set the matter for hearing. This case is pending before the MPSC.

It should be noted that Ameritech provides erroneous information related to the intraLATA toll dialing parity.

169 Toll dialing parity.

Although toll dialing parity is not a check list requirement and is not required until Ameritech begins providing in-region intraLATA (sic) service in

¹³⁴MPSC Case No. U-11350.

¹³⁵MPSC Case No. U-11367.

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Michigan, Ameritech is providing intraLATA toll dialing parity in 116 Michigan exchanges, representing 50% of the access lines in its exchange service territory. Upon filing of this application, Ameritech implemented toll dialing parity in an additional 70 exchanges representing an aggregate total of 70% of Ameritech's access lines in Michigan."¹³⁶

Pursuant to Section 271(e)(2)(B), Michigan is exempt from the requirements of Section 271(e)(2)(A) due to the MPSC's action in Case No. U-10138 on February 28, 1994 and March 10, 1995. Ameritech has therefore misrepresented its obligation in Michigan related to intraLATA toll dialing parity. It should also be noted that Ameritech currently is providing in-region intraLATA toll service. Therefore, one must assume that the reference to in-region intraLATA toll service must be a typographical error. The correct reference should be in-region interLATA toll service.

Finally, Ameritech indicated in its original intraLATA toll dialing plan that it would move from 50% of its Michigan access lines with intraLATA toll dialing parity to 70% with the filing of its application for in-region interLATA service authority in Michigan. That filing took place on January 2, 1997. The MPSC understands that the conversion had taken place at that time.

The MPSC can conclude that Ameritech's plan and action consistent with that plan related to conversion appears to comply with the requirements of Section 271(e)(2)(A)


¹³⁶Ameritech's Application Affidavit of Theodore A. Edwards, p. 77.

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V. Conclusion.

As requested by the FCC's May 21, 1997 Public Notice, the MPSC submits herein its comments in regard to the Section 271 Application of Ameritech Michigan.

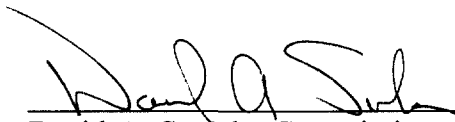
Respectfully submitted,
MICHIGAN PUBLIC SERVICE COMMISSION



John G. Strand
Chairman



John C. Shea, Commissioner, concurring as
discussed in the separate statement attached.



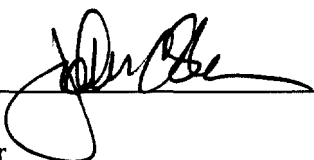
David A. Svanda, Commissioner

DATED: June 9, 1997

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SEPARATE STATEMENT OF COMMISSIONER JOHN C. SHEA

Although I have previously expressed doubt about the federal government's authority to compel state regulation of certain activities subject to this consultation, my concerns do not inhibit me from voluntarily communicating to the FCC. I therefore join my colleagues in providing a factual evaluation of Ameritech's compliance with the competitive checklist set forth at 47 U.S.C. § 271(c) intended to assist the FCC in performing its statutory duties.



John C. Shea
Commissioner

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Three volumes of attachments consisting of approximately 1600 pages as follows:

LIST OF ATTACHMENTS

ATTACHMENT

DESCRIPTION

1.

Michigan Public Service Commission's February 5, 1997
Comments on Ameritech Michigan's initial Section 271
Application.

2.

Filings in MPSC Case No. U-11104 between May 21, 1997 and
June 5, 1997.

Docket Entry

Item

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Notice of Hearing.

135

Response to Ameritech's application for
approval of its statement of generally
available terms.

136

LCI International Telecom Corp.
Appearance.

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USN Appearance.

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AT&T Communications of Michigan, Inc.
Appearance.

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Ameritech Appearance.

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Brooks Fiber Communications
Appearance.

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MCI Telecommunications Corp.
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MCI Telecommunications Corp.
Appearance.

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Communication Workers of America
Transmittal; Information provided at
hearing 5/28/97.

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Ameritech Transmittal; Information
provided at hearing 5/28/97.

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Ameritech Transmittal; Information
provided at hearing 5/28/97.

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MCI Telecommunications Corp.
Transmittal; Information provided at
hearing 5/28/97.

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Brooks Fiber Communications Transmittal;
Information provided at hearing 5/28/97.

- 148 USN Communications transmittal;
Information provided at hearing 5/28/97.
- 149 LCI International transmittal; Information
provided at hearing 5/28/97.
- 150 Ameritech transmittal; Information
provided at hearing 5/28/97.
- 151 Ameritech Response to the Commission's
questions regarding operations support
systems - presented at hearing 5/28/97.
- 152 AT&T Communications; All competitive
local exchange carriers (CLEC) exhibits -
proposed; Presented at hearing 5/28/97.
- 153 AT&T Communications, Inc. transmittal;
Supplemental submission of information
regarding operations support systems.
- 154 Transcript; Hearing date 5/28/97.
- 155 Ameritech Transmittal; submission of
information in response to Brooks Fiber
concerning 911 services and service order
performance.
- 156 Ameritech Transmittal; Confidential
portion of response to Brooks Fiber;
Confidential information - separated from
the docket.
- 157 Brooks Fiber Communications Transmittal;
Additional information regarding service
order performance by Ameritech.
- 158 Ameritech letter to Wideman requesting an
extension of the statutory period for
review of the General Statement until
9/2/97.
- 159 Communications Workers of America
Comments.
- 160 Telecommunications Resellers Assoc.
Transmittal; Information regarding
operations support systems.
- 161 Order; Ameritech's application for
approval of its proposed statement of
generally available terms and conditions is
denied.
- 162 Brooks Fiber Communications transmittal;
Information regarding non-payment of
reciprocal compensation by Ameritech

- 3. June 5, 1997 MPSC Order in Case No. U-11326.
- 4. Tariff of Ameritech Michigan regarding Manual Service
Interface.
- 5. CLEC Proposed Performance Standards.
- 6. April 25, 1997 AT&T Motion for an Order Compelling
compliance with the Commission's February 28, 1997 Order on
Shared Transmission Facilities.
- 7. Correspondence & filings regarding shared and common
transport issue.
- 8. February 28, 1997 Report of the Michigan Local Number
Portability Workshop.